

Serial No. 10/821,725

Drawing Amendments

There are no amendments to the drawings.

Serial No. 10/821,725

Remarks

The Office Action of 01/06/2009 rejected claims 6, 8, 10, 21, 23, and 25, as being unpatentable under 35 U.S.C. §103 (a) over U.S. Patent No. 6,853,716 of S. Shaffer, et al. (hereafter referred to as Shaffer1) in view of U.S. Patent No. 4,658,425 of S.D. Julstrom (hereafter referred to as Julstrom). Also, the Office Action rejected claims 11 and 13 as being unpatentable under 35 U.S.C. §103 (a) over Shaffer1 in view of U.S. Patent No. 6,457,043 of W.I. Kwak, et al. (hereafter referred to as Kwak) and further in view of Julstrom. In addition, the Office Action rejected claims 9 and 24 as being unpatentable under 35 U.S.C. §103 (a) over Shaffer1 in view of Julstrom and further in view of U.S. Patent No. 6,826,159 of S. Shaffer, et al. (hereafter referred to as Shaffer2). Finally, the Office Action rejected claim 14 as being unpatentable under 35 U.S.C. §103 (a) over Shaffer1 in view of Kwak further in view of Julstrom and further in view of Shaffer2. Claims 6, 11, and 21 are being amended. No claims are canceled.

Rejection of claims 6, 8, 10, 21, 23, and 25, under 35 U.S.C. §103 (a) over Shaffer1 in view of Julstrom

This rejection is respectfully traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or

Serial No. 10/821,725

in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. § 2143. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). This requirement is intended to prevent unacceptable "hindsight reconstruction" where applicant's invention is re-created from references using the application as a blueprint. The Applicants respectfully assert that the first and second criteria has not been meant and that the third criteria also has not been meant since the combination of Kwak, Berstis, and Craner fail to teach or suggest each limitation of the Applicants' claimed invention.

Consider whether the third of the criteria is meant.

Claim 6 recites:

A method for performing participant identification in a conference of a plurality of participants, comprising the steps of:
performing a simple speech algorithm to detect a change in an active participant among a set of the plurality of participants using an endpoint telecommunication unit by the endpoint telecommunication unit whereby the speech algorithm only determines the change in the active participant and not the identity of the active participant;
signaling the detected change to a conference unit by the endpoint telecommunication unit by transmission of a message which contains no audio information from the active participant;
and
determining the identity of a new active participant of the set of the plurality of participants by the conference unit

Serial No. 10/821,725

performing voice recognition to identify the new active participant in response to the signaled change whereby the conference unit processes speech information from only the endpoint telecommunication unit.

Claim 6 recites that an endpoint telecommunication unit which is providing access to a conference for a set of participants to the conference only performs a simple speech algorithm to detect when a new active participant of the set of participants using the endpoint telecommunication unit starts to speak. Claim 6 very clearly recites "the speech algorithm only determines the change in the active participant and not the identity of the active participant". The endpoint telecommunication unit then signals the conference unit that a new active participant has started to speak on the endpoint telecommunication unit by transmission of a message which contains no audio information from the active participant. In response to the message from the endpoint telecommunication unit, the conference unit performs voice recognition to identify the new active participant. These operations have the advantage that the endpoint telecommunication unit does not have to perform voice recognition which in the case of an IP telephone could exceed the processing capabilities of the IP telephone. In addition, since the conferencing unit only has to perform voice recognition to identify a new active participant when a message is received from the endpoint telecommunication unit, this greatly reduces the processing requirements of the conferencing unit. Without such a message, the conferencing unit would constantly have to

Serial No. 10/821,725

perform voice recognition on all voice information being received from endpoints of the conference to determine if a new participant was speaking. In a large conference, this requirement would place an enormous processing load on the conferencing unit.

The Office Action states on page 2 that Shaffer1 teaches "detecting a change in an active participant among a set of plurality of participants using an endpoint telecommunication unit by the endpoint telecommunication unit, not the identity of the active participant (input device detects the audible sounds emitted by the participant: column 4 lines 27-32, column 11, lines 10-19)". First, lines 6-26 of column 4 are very clear that the operations being described in column 4 lines 27-32 are performed by conference bridge 60 and not an endpoint telecommunication unit as claim by the Office Action. Further, column 11, lines 10-19 clearly states that the user device 20a sends data representing audible sounds of a participant to the other participants of the conference by first sending these packets through communication interface 21 to conference bridge 60 as is clearly stated in column 11, 14-19. Note, that input device 28 and processor 25 are components of user device 20a as illustrated in Figure 5. In addition, the text in column 11, lines 10-19, does not disclose or suggest that user device 20a is detecting a change in an active participant among a set of plurality of participants only that user device 20a is

Serial No. 10/821,725

transmitting data representing sounds from a user to conference bridge 60.

Further, the Office Action states on page 2 "signaling the detected change to a conference room unit by the endpoint telecommunication unit (column 11, 14-19)". There is no disclosure in the cited text that user device 20a is signaling a "detected change" as recited in claim 6 since claim 6 clearly recites that the detected change is a change in an active participant among a set of plurality of participants. The cited text simply describes the transmission of voice data to conference bridge 60 from user device 20a.

In addition, the Office Action states on page 2 "determining the identity of a new active participant of the set of plurality of the participants by the conference unit performing voice recognition to identify the new active participant in response to the signaled change whereby the conference unit processes speech information from only the endpoint unit (column 11, 6-26; column 5 lines 12-61)". The cited text does disclose that the conference unit performs voice recognition to identify participants but does not disclose or suggest that this identification is activated by a signaled change received as a non-audio message from a user device indicating a change in the active participant of a plurality of participants using the user device. Applicants would appreciate if the Examiner would specifically point out where the Examiner finds such a disclosure in the cited text.

Serial No. 10/821,725

Finally, the Office Action relies on Julstrom to disclose a simple speech algorithm to detect a change in an active participant. The Office Action states on page 3 "Julstrom et al. discloses an endpoint telecommunication unit that may be utilized by a set of the plurality of conference participants as disclosed above in Shaffer et al. wherein the endpoint terminal performs a simple speech algorithm for the purposes of determining the current active participant or a change in the current active participant and signaling the detected change, not the identity of the active participant, by transmitting the audio signals from these participants to the external network (column 1 lines 16-28; column 8 lines 24-31, 50-59; column 9 lines 31-39; column 10 lines 31- column 11 line 58; column 12 lines 5-21)". The cited text discloses a system which determines which microphone of a mike/speakers circuitry such as circuitry 41 of Julstrom is receiving useful acoustic input and allows only output from the determined microphone to be part of the conference and blocks outputs from the other microphones. Julstrom discloses that the selection of a microphone is performed by control circuitry 43. It is important to realize that if two participants' speech is being received by the same microphone, no actions will be performed by control circuitry 43 upon the other participant starting to speak into the microphone.

In addition, control circuitry 43 only sends audio information to block 19 where the audio information is from the

Serial No. 10/821,725

selected microphone. Most importantly, control circuitry 43 does not implement a simple speech algorithm for determining which microphone to make active but rather, uses 2 signal threshold criteria for making this determination (see column 4, lines 22-68). Further, there is no disclosure or suggestion in Julstrom that control circuitry 43 is transmitting a message which contains no audio information from the active participant to block 19.

Consider whether the second of the criteria is meant requiring that there must be a reasonable expectation of success. Since Shaffer1 discloses performing continuous participant identification on incoming audio information to identify a change in the active participant and Julstrom does not signal by a non-audio message a change in the active participant, these two references cannot be combined to produce a system that performs the steps recited in claim 6 in the manner stated in the Office Action.

Consider whether the first of the criteria is meant requiring that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Because of the basic incompatibility of Shaffer1 and Julstrom, one skilled in the art would not find a suggestion or motivation to combine these two references together.

Serial No. 10/821,725

In view of the foregoing, applicants respectfully submit that amended claim 6 is patentable under 35 U.S.C. §103 (a) over Shaffer1 and Julstrom.

Dependent claims 8 and 10 are directly or indirectly dependent on independent amended claim 6 and are patentable for at least the same reasons as amended claim 6.

Further, applicants also respectfully submit that amended claim 21 and claims 23 and 25 are also patentable under 35 U.S.C. §103 (a) for the same reasons as claims 6, 8, and 10.

Rejection of claims 11 and 13 under 35 U.S.C. §103 (a) over Shaffer1 in view of Kwak, and further in view of Julstrom

Amended claim 11 recites the following:

- a conference unit;
- a system controller;
- a plurality of endpoint telecommunication units;
- system controller establishing the conference for a set of participants using a plurality of endpoint telecommunication units;
- one of the plurality of endpoint telecommunication units providing service for a subset of the set of the plurality of participants, performing a simple speech algorithm to detect a change in a new active participant of the subset of the set of the plurality of participants whereby the speech algorithm only determines the change in the active participant and not the identity of the active participant and signaling the change to the system controller by transmission of a message which contains no audio information from the active participant;
- system controller responsive to the signaled change to request the conference unit identify the new active participant of the subset of the set of the plurality of participants; and
- the conference unit identifying the new active participant by performing voice recognition to identify the new active participant and signaling the identity to the system controller.

The Office Action relies on Kwak to disclose a system controller. The Office Action on page 5 states "Kwak discloses

Serial No. 10/821,725

a system controller, which comprises some of the functionality of the conference unit disclosed above in Shaffer1 in communication with a conference unit for the purpose of establishing the conference for a set of participants and transmitting to and receiving a response to request to identify the active participant (column 1 lines 67-column 2 line 4, column 6 lines 66-column 7 lines 5-6 8, 11-21, 27-32, 41-48, 64-column 8 line 3; column 8 lines 9-16)". Clearly, the Office Action is only relying on Kwak for disclosing a system controller that is used in conjunction with a conference unit as disclosed in Shaffer1. There is no disclosure or suggestion in the cited text from Kwak that the system controller (MC 90) is responsive to a signaled change from a terminal via a transmission of a message which contains no audio information from the active participant to request that the conference unit (MP 92, speaker ID service processor 52, and data memory 80) identify the new active participant.

Applicants clearly showed in the discussion of amended claim 6 that Julstrom does not disclose an endpoint telecommunication unit providing service for a subset of the set of the plurality of participants, performing a simple speech algorithm to detect a change in a new active participant of the subset of the set of the plurality of participants whereby the speech algorithm only determines the change in the active participant and not the identity of the active participant and signaling the change to the system controller by transmission of

Serial No. 10/821,725

a message which contains no audio information from the active participant as is clearly recited in amended claim 11.

In view of the foregoing, applicants respectfully submit that amended claim 11 is patentable under 35 U.S.C. §103 (a) over Shaffer1 in view of Kwak and further in view of Julstrom.

Further, applicants respectfully submit that dependent claim 13 which is indirectly or directly dependent on amended claim 11 is patentable for at least the same reasons as amended claim 11.

Rejection of claims 9 and 24 under 35 U.S.C. §103 (a) over Shaffer1 in view of Julstrom and further in view of Shaffer2

Claim 9 is directly dependent on claim 6 and is patentable for at least the same reasons as claim 6. Further, the Office Action only cited Shaffer2 as disclosing that the endpoint telecommunication unit is connected to a remote switch. Note, that Shaffer2 does not disclose or suggest the performance of a simple speech algorithm as is recited in claim 6 nor does the text cited by the Office Action disclose such a algorithm. The combination of Shaffer1 with Shaffer2 yields a system that has two conference bridges each performing full speaker identification utilizing voice recognition.

Applicants respectfully submit that claim 9 is patentable over the cited references under 35 U.S.C. §103 (a).

Further, Applicants respectfully submit that claim 24 is patentable for the same reasons as claim 9.

Serial No. 10/821,725

Rejection of claim 14 under 35 U.S.C. §103 (a) over Shaffer1 in view of Kwak and further in view of Julstrom and further in view of Shaffer2

Claim 14 is directly dependent on claim 11 and is patentable for at least the same reasons as claim 11. Further, the Office Action only cited Shaffer2 as disclosing that the endpoint telecommunication unit is connected to a remote switch. Note, that Shaffer2 does not disclose or suggest the performance of a simple speech algorithm as is recited in claim 11 nor does the text cited by the Office Action disclose such a algorithm. The combination of Shaffer1 with Shaffer2 yields a system that has two conference bridges each performing full speaker identification utilizing voice recognition.

Applicants respectfully submit that claim 14 is patentable over the cited references under 35 U.S.C. §103 (a).

Summary

In view of the foregoing, applicants respectfully request consideration of amended claims 6, 11, and 21, reconsideration of the remaining claims in the application, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully,

Serial No. 10/821,725

Dylan Jay
Rohan Lenard

By John C. Moran
John C. Moran
Patent Attorney
Reg. No. 30,782
303-450-9926

Date: 03/29/2009

John C. Moran, Attorney, P.C.
4120 115th Place
Thornton, CO 80233